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ABSTRACT

This study guide is designed to assist students in preparing for the legal terminology portion of the Business Professionals of America Legal Concepts Competitive Event. The guide can also be used by secondary students who are being introduced to basic legal concepts. The guide provides materials to help students to learn the definitions of legal terminology and to learn how issues surrounding that terminology might arise in a law office setting. The materials create a scenario of a fictitious company and its relationship with its lawyers, and include typical documents that might be used, with explanations of the terms as they are encountered. (The guide's definitions for most of the legal terminology are not traditional but were created in everyday language that all students can understand.) Contains 10 references. (KC)

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Legal Concepts Study Guide

ED 408 482

A Self-Paced Study Guide
to Assist with Student Preparation for

Terminology Section - Legal Concepts Competitive Event
Business Professionals of America Competition
Competitive Event No. 31

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* Melia Burrell, former treasurer of the Business Professionals of America Chapter at Golightly Career and Technical Center in Detroit and a 1996 graduate of Denby High School, for review and input.

OVERVIEW

This study guide is intended for use by students preparing for the Business Professionals of America Legal Concepts Competitive Event. It is specifically designed to assist in preparation for the legal terminology portion of that event.

This study guide can also be used by secondary students who are being introduced to basic legal concepts.

This study guide will help students to learn the definitions of the legal terminology. It will also help students to learn how issues surrounding that terminology might arise in a law office setting.

This study guide does not contain traditional definitions for most of the legal terminology used. The resources listed in the Bibliography were used as a foundation for creating definitions in everyday language that all students can understand.

The guide introduces the legal terminology as it would arise in a business setting. As a result, students simultaneously learn about some of the issues businesses may face.

HOW TO USE THIS STUDY GUIDE

- There is a cover page welcoming the reader to Jams 'R Us. Print your name where indicated and then fill in the rest of the information about you on that page.

- The next item you will find in the guide is a Memorandum to you. It is from the law firm that represents your business, Jams 'R Us. It explains to you what is contained in the packet they have sent to you.

- What follows is a Business Data Sheet with information about Jams 'R Us. You should read this section and fill it out as directed. This is where you get to select a couple of friends as employees and you find out how you took home $50,000 in pay last year.

- Next you will find a sheet called Staffing & Roles - Law Offices of Suem & Wynn. This explains who works at the law firm and it explains what their responsibilities are.

- Now it's time to move on to see what has been going on at Jams 'R Us and to see how the law firm that represents your business will advise you.

- Next you will start to see Jams 'R Us Information Sheets. Each one has been assigned a number. That information sheet is a summary of a problem you have already told your lawyer that you are having at your business, Jams 'R Us.

- After each Information Sheet, you will find a Suem & Wynn Solution Sheet. Each one has been assigned a number that matches the information sheet that goes along with it. That Solution Sheet explains what the law firm that represents your business will need to do.

- With each explanation, the law firm uses the legal terminology you will need to be prepared for your BPA competitive event.

- Each legal term you will need to know is preceded by this scales of justice symbol (⚖). The actual word is typed in bold-faced italics ***like this*** and the definition follows in regular italics *like this in parenthesis*.

- Whenever a legal term is used more than once, the second time it appears it is typed in italics *like this*. That is your clue that the definition for that term is somewhere else in your guide. Do not just skip that word. Try to restate the definition before you look it up.

- Read each section as often as possible.

- Be certain that you not only understand the definition of the word but also how it is used.

- The key to successful usage of this guide is rereading the information sheets and the solution sheets until you can explain each legal term that is preceded by the ⚖.

- For any of the legal terminology where you need a further explanation of the definition, we have provided a Bibliography near the back of the guide that lists many books that have detailed definitions of the legal terms. This guide is intentionally written using everyday language and situations to explain how it is used.

- Starting with the next page, fill in all of the blanks and begin reading about your business, Jams 'R Us. There are some interesting things going on at your business and the law firm that represents you has some explanations for you of what you will need to do.

- I wish you well during the Business Professionals of America competitive events. Have fun learning and enjoy the competition!

WELCOME

TO

JAMS 'R US

(America's fastest growing music store:
Where the jam you need is the jam we'll get)

Owned by:

_____ _____

(Print your first name here) Print your last name here)

_____

Your Address

_____

Your City, State, Zip Code

_____

Your Phone No.

BEST COPY AVAILABLE

Memorandum

TO: _____
(Print your name here)

FROM: Law Offices of Suem & Wynn*

RE: Review of our Operations

DATE: _____
(Insert today's date)

Thank you for contacting our law office for assistance. We have two attorneys on staff, Les Suem and Willa I. Wynn. They are both looking forward to representing your record store, Jams 'R Us. We have many services we can offer you at our law firm and would like to give you a tour of the entire operation and introduce you to our staff.

We will explain to you the role of each staff member and all of the services we can provide to you.

We have reviewed our notes from our meeting, and based on the information you submitted we are prepared to meet with you.

Please review the enclosed information. After your review is complete, please call us and schedule your tour. By reviewing all of the enclosed information first, the tour will be much more beneficial to you.

We look forward to hearing from you.

*All names and situations used herein are fictional and any similarity to persons, businesses or situations is merely coincidental.

Jams 'R Us Business Data Sheet

According to our records, Jams 'R Us was started in 1995 by (print your full name here) _____ _____. (circle one of these) Mr/Ms. (print your last name here) _____ is the sole owner.

Jams 'R Us sells music of all types -- jazz, classical, rap, hip-hop, reggae, contemporary Christian, heavy metal, gospel, rock, blues, country and western, rhythm and blues. You name it, Jams 'R Us can get it for you.

Jams 'R Us has its headquarters located in _____.
(Print Your City Here)

The president of Jams 'R Us is:_____.
(Print Your Full Name Here)

The president has hired two full-time employees. They are:

(List 2 of your best friend's names here. Be certain they are not just friends; be certain that they also have the potential to be reliable, trustworthy employees.)

_____

_____

Last year Jams 'R Us earned $96,000 in gross income. Expenses were $33,000. You earned $63,000 in net profits. You left $13,000 in the store's checking account and the other $50,000 you took home last year. Things are looking pretty good at Jams 'R Us.

STAFFING & ROLES - Law Offices of Suem & Wynn

You have explained several legal problems, so we need to let you know who works at our law firm.

We have two partners in our law firm. The ⊣ ***senior partner*** (*the attorney in the law firm who gives the most money to get the law firm started*) is: Les Suem. The other ⊣ ***partner*** (*an attorney who is a co-owner of the law firm, shares the profits and losses with the other partner, and shares responsibility for managing the law firm*) in the law firm is: Willa I. Wynn. We have one ⊣ ***associate*** (*the attorney on our staff who is an employee of the law firm*) who will be primarily assigned to your case. Her name is: Gonna Sue You. Gonna will handle all matters involving Jams 'R Us.

We have one ⊣ ***legal assistant also called a paralegal*** (*who is a person with legal skills who works under the supervision of an attorney or who is otherwise authorized to use those skills; this person performs tasks that do not require all the skills of an attorney and that most secretaries are not trained to perform*). Our legal assistant is: Tim Taylor. The ⊣ ***legal secretary*** (*who does all the clerical work at the law firm such as typing, filing, answering the phone*) is: Brandy Johnson.

Our staff is looking forward to serving you. They each have a distinctive role to play. Based on the services you explained you needed in your letter, you will be working with all of our staff members.

Most law firms like ours also have a person on staff who is qualified to act as a ⊣ ***Notary Public*** *(a person who is appointed to witness the signing of documents and who should be able to verify that the signature is genuine)*. At most law firms the situation is the same as it is at Suem & Wynn. That is, the legal secretary, legal assistant, and some of the attorneys are *notary publics*.

Jams 'R Us Information Sheet #1

Jams 'R Us wants to enter into a relationship with a local record company to provide a shipment of compact discs every 30 days.

We want the shipment to consist of 100 compact discs for the top ten hits on the Billboard charts at the start of each month. We want to be able to return those not sold and have those credited to our account.

We need this so we can keep the latest music on our shelves at all times and at the same time not get stuck with a lot of copies we cannot sell.

Suem & Wynn Solution Sheet #1

This situation will require Gonna Sue You to engage in a process called ***drafting documents*** (*this means she will be deciding on all the wording needed for this arrangement that will protect you. She will write by hand or dictate this information into a Dictaphone. She may even sit at her computer and input the information that she thinks will best protect you each month in making sure you get the compact discs and are able to return them).*

The law office is a place that is full of all kinds of paperwork. We sometimes call that paperwork legal documents or legal instruments, depending on what it is. Not only do we have a lot of paperwork, we have a lot of copies of all that paperwork. Sometimes we will have to perform a step called ***conforming a copy*** (*meaning we will take a photocopy and with some writing and sometimes special stamps by us or by the court make the photocopy just the same as if it was the original*).

We also have all kinds of books in the law office. One type is called a Bar Journal. There are all kinds of organizations lawyers belong to called Bar Associations. Have you ever noticed that little swinging door in some courtrooms that separate everybody in the courtroom from the lawyers and the judge? That little swinging door has been called a bar. Lawyers in most states take a two (2) day test; and when they pass that test, they are considered to have passed the bar.

Well, once you pass that bar there are all kinds of groups you can join. One is called the American Bar Association. They have a journal called the ***ABA or American Bar Association Journal.*** (*A journal issued by a national association of lawyers with information about the practice of law that affects lawyers all over the country).* Every state has a bar association too so you might find a Bar Journal in your office that has the name of the state in front of it, such as the Michigan Bar Journal.

The document that Gonna Sue You (the *associate attorney* assigned to you) will draft is called a ***contract*** (*which is an agreement that can be oral or written between two or more parties to do specific things).*

All of the wording Gonna Sue You puts together into this document called a *contract* will be typed in final form by the Legal Secretary, Brandy.

Brandy will type everything, and she and Gonna Sue You will then ***proofread*** (*this means that Brandy will check it very closely for errors of any kind such as spelling, punctuation, grammar, spacing, and Gonna Sue You will look for errors such as using a word that is too vague and could cause you problems down the road. She will also make sure that no key information is left out that is needed to protect you*).

In other words, both our *associate attorney* and the *legal secretary* will *proofread* the document.

Jams 'R Us Information Sheet #2

A shipment of cassette tapes from Downtown Records was delivered to our music store by United Package Delivery (UPD). The UPD driver, Slippery Guy, slipped and fell in the parking lot and damaged half of the cassettes. Slippery also broke his left leg.

According to Slippery's complaint, there was a puddle of water in our parking lot. He saw the water but thought it was only a 1/4" or so deep. It turned out it was 6" deep and when Slippery stepped into it, he fell down and broke his leg.

The package that Downtown delivered the cassettes in did not provide any type of protective wrapping of the cassettes inside the box, so when Slippery fell and the box came open, the cassettes were immediately damaged.

UPD has refused to pay for the damaged cassettes, and Downtown has refused to replace the damaged cassettes. Slippery's replacement mentioned to us the other day that he is going to file a lawsuit against us.

Suem & Wynn Solution Sheet #2

We will need Tim Taylor, our *legal assistant*, to come to the ***scene of this accident*** (*location where an event that could lead to a lawsuit occurred or where information can be gathered about a possible lawsuit*). Tim will have to take some photos of the parking lot and the spot where Slippery fell. Tim will want to get photos of the packaging of the cassettes. Tim will also want to bring to our office the actual packaging material. This will all be part of his ***investigation*** (*checking out every detail that surrounds the situation that could lead to your record store being sued or that could give you grounds to file a lawsuit against Downtown Records or maybe even UPD*).

Since Slippery suffered an injury at your business location, he will file a lawsuit called a ***personal injury case*** (*sometimes called a PI or tort case, this is a situation that could lead to a lawsuit where someone wants to be paid for an injury that they personally suffered*). As noted, this is sometimes called a ***tort*** *(another word for a wrong caused by one party to another; it usually involves a wrong to a person such as an injury rather than a wrong like breaking a contract).*

Jams 'R Us Information Sheet #3

I was at a party recently and a friend asked me who set me up. I got a little confused and wondered what he was talking about. Had something happened I didn't know about? I asked him what was up. Then he made it worse by asking me who set up my business. Then I really got worried. I just made $50,000 that I took home last year. No way do I want anybody to hurt my business. I asked him to explain what he was talking about. He said something about getting a lawyer to set up my business the right way.

Suem & Wynn Solution Sheet #3

Gonna Sue You wants you to understand that when you go into business there are certain laws that control what you can and cannot do. The laws that apply to you will depend upon how you set up your business.

There are many choices. One choice would be a ***corporation*** (*one method of setting up a business that is performed by filing certain documents with the state and meeting the state's guidelines and tax requirements*). If you choose this type of set up, you have a choice as to what state you set your business up in.

Incorporation (*the process of setting up the business*) is the next step. Since we live in Michigan, we could set your *corporation* up in this state where you will conduct business.

This would be called a ***domestic corporation*** (*a corporation that is actually incorporated in the state where business is being conducted*). Some people like to set their business up in one state and then run the business in another. When you do that, you're like a stranger.

The state where you actually run your business -- not the state where you set it up - calls you a ***non-resident*** or ***foreign*** or ***alien corporation*** (*a corporation that conducts business in one state but that corporation actually set up under the laws of another state and just operating its business outside the state where it is set up*).

If two or more people decide to run a business together, they can have a different set up. This setup is called a ***partnership*** (*a group of individuals who operate a business jointly and share in the profits and losses of the business*).

There is also a special type of *partnership* setup called a ***limited partnership*** (*a partnership with one or more general partners and one or more limited partners. The limited partner is an owner. That person puts money in the business but does not manage the business. That person can lose no more money than what he puts into the business. The general*

partner is also an owner, but this owner manages the business and can lose more than just what was invested in the business.)

This is one time you get to choose how you get set up. By the way, when you do get set up, be ready to sign many, many papers. This whole process is called ***executing a document*** (*signing a document*).

Jams 'R Us Information Sheet #4

We appreciate all the help that your law firm will give us. However, we really want to know about the legal system ourselves. We watch all the TV shows, Sherry Mason - Padlock - VA Law, but would you help us to understand how the legal system actually works.

Suem & Wynn Solution Sheet #4

To help you to understand how our legal system works, we have a lot of words you'll need to understand. We'll start with a question. Who do we usually get mad at, for example, when a new law goes into effect in our city? Most of us get angry at the mayor of that city. Guess what?

Mayors don't make laws. Laws are made by one of the three branches of government. Since this branch makes the laws, I like to call them **THE MAKERS**. They are called the ***legislative branch/congressional branch/ or Congress*** (*the branch that consists of the House of Representative members and the members of the Senate*) of government. There is another branch of government, also. That branch is responsible for making sure that the laws that are made are enforced. Just to give you a good example--the police don't make the laws but they are out there to enforce them, in other words to make sure they get carried out. They are part of what I like to call **THE ENFORCERS**. They are the ***executive*** branch (*this is the President and those he/she appoints. The president is sometimes called the Chief Executive*) of government.

There is one more branch. The members of this branch usually wear long black robes. Their job is to interpret the law. Their job is to say what the makers (the *legislative* branch) really meant. I like to call them **THE INTERPRETERS**. They are the ***judicial*** branch (*the judges who are either elected or appointed*).

Jams 'R Us Information Sheet #5

When we went to open the shop Sunday afternoon after church to just reorganize a few things, we heard some rumbling in the back. We stopped for a minute, grabbed the baseball bat (we keep two at the shop at all times), and started moving toward the noise. It was in an area that had two entrances, so I was on one side and my friend was on the other. We entered the room, raised our bats, and much to our surprise there was a burglar trying to get out. Can you believe it, he had broken in the back window and tripped over some tools and broke his ankle. He was actually glad to see us because he was in so much pain.

We were going to be nice and take him to the hospital, but we got smart and called the police first. Well, I guess you know what is next -- now we've got to go to court and testify. Could you explain this whole thing about criminal procedure. By the way, guess what the burglar's name was - Lucky Lankeviewcz - he wasn't so lucky, was he?

Suem & Wynn Solution Sheet #5

First we need to explain that there are two types of wrongs. One is a wrong against another person such as when you leave your skates in the driveway and your dad doesn't see them and falls. There is another type of wrong, too. That is a wrong that involves criminal activity. It is called a ***crime against society*** **(***an illegal act that is punishable in a court of law***).**

Lucky will have to appear in court and enter a ***plea*** (*a response by a person accused of a criminal act*) to the charges. They will probably charge him with the crime called Breaking and Entering.

When Lucky first goes to court, he will have a choice to enter a *plea* of ***guilty*** (*an admission that he committed the crime he is charged with*), ***not guilty*** (*a denial that he committed the crime he is charged with*) or ***no contest*** (*meaning I have nothing to say*). There's a fourth choice too that people who have mental problems can use. It is called ***not guilty by reason of a mental defect*** (*this could include anything from saying I was not legally competent to commit such a crime, all the way to saying I am insane and incapable of committing a crime*).

Crimes are usually separated into two categories. The less serious crime is called a ***misdemeanor*** (*minor offense with relatively light penalty*). The more serious crime is called a ***felony*** (*serious offense with tougher penalties, depending upon the nature of the crime, that can range from jail time to life in prison to death).*

Lucky Lankeviewcz may soon have a new name, too. Depending on whether or not he is found *guilty, he* could end up in a ***penitentiary*** (*prison*) and instead of being referred to as Lucky or instead of being referred to as a criminal, he will be assigned a number and will be called an ***inmate*** (*the name given to those who live in the prison*).

Jams 'R Us Information Sheet #6

We knew that the courthouse was downtown. So off we went to make sure Lucky got the time he deserved. Well, much to our surprise, when we started asking people where the courthouse was, they started asking us which one. How were we to know? There's never more than one in town it seems when we watch the shows on TV. Can you help?

Suem & Wynn Solution Sheet #6

There are all kinds of courts around. Which one you go to depends on what type of case is involved. Would you believe that there are city courts, state courts, and federal courts. There are even courts you can go to when you lose a case, called appeals courts. In some cities there are several courts all over the downtown area.

A good example would be the federal court system. Let's use an example. Suppose your grandfather is too ill to keep working but not old enough to retire. He is what we call disabled. Did you know that many years ago THE **MAKERS** (the *legislative* branch of government) made a law that said under certain circumstances if you have worked and are unable to continue because you are disabled you can collect something called Social Security Disability benefits.

Well, suppose grandpa goes to the local Social Security office and applies for benefits but they turn him down. He tries again, and they turn him down again. He decides he needs to get into the court system. Since the benefits he is trying to collect are federal benefits, he has to enter the federal court system.

Every court system has a starter court. That is a court where cases originate. In the federal court system this is called the ***US District Court*** (*the starter court or the first court or also known as the court of original jurisdiction for disputes involving federal laws or for disputes involving certain amounts of money between people who live in different states*). Grandpa can start or originate his case there.

Suppose grandpa loses again. Then he can file for an ***appeal*** (*a request by a person who loses in a court proceeding at one level for permission for the court at the next level to consider his/her case*) with the next level of court in the federal court system. It is called the ***US Court of Appeals*** (*the court that hears appeals from the US District Court*). They will hear his case. If grandpa loses again, there is one more court he can go to. He'll have no other choices after this. When you don't have any more choices of a court to go to, you go to what is called a ***court of last resort*** (*the final*

court in the judicial branch of government that will hear the type of dispute you have pending. Once that court hears it, you must accept that court's decision as final).

In this situation the *court of last resort* is the ***US Supreme Court*** (*located in Washington, DC, it is the highest court in the whole country. They have the absolute last word*). If they tell grandpa "no," then grandpa can just go on back home. There is nowhere else for him to go.

Jams 'R Us Information Sheet #7

The other day a man came in and asked where the Blues section was for the records. I pointed him in the right direction and went on to do something else. About 3 hours later I noticed he was still in the store. He was just standing there reading the names of those blues songs and crying his eyes out. I decided I had better go ask him what was going on. He said he was going through a divorce and just did not understand why, and even worse, he did not understand all the procedures. I really wanted to be able to help a customer like that.

Suem & Wynn Solution Sheet #7

When a husband or a wife decides it's time to end a marriage, they have a choice of what type of court proceeding to start. It depends on the situation. Suppose your customer's wife found out that he had been married before and never divorced his first wife before he married her. Can you imagine that? Well, if that happened, his wife could file for what is known as an ***annulment*** (*a legal proceeding that wipes out an event from the records as if it never happened, for example, a legal proceeding to end a marriage and treat it as if it never happened if one of the parties had never divorced a previous spouse. There are several other reasons for an annulment*).

The other choice the husband and wife have when the marriage is not working is to file for a ***divorce*** (*dissolution of a marriage relationship by order of a court*).

The *divorce* laws vary from state to state. Some states have ***community property laws*** (*laws that control how property will be distributed once a relationship ends*). Other states have different types of rules for how property is divided in the event of a divorce.

Jams 'R Us Information Sheet #8

Slippery Guy had the nerve to sue us for falling in our parking lot. We should have sued him. Anyway, we have received all kinds of papers. We're pretty sure we're being sued. Why didn't he just sue UPD. He was working for them, not us. After all these months, we thought he had forgotten about that fall. Who would ever think a 6" puddle was actually just a 1/4" puddle and go step in it? Seems to me we should have sued him for damaging our cassettes. I guess that does not matter now. He has sued us. Would you explain what has happened, what could happen, and just tell us what to expect.

Suem & Wynn Solution Sheet #8

Slippery Guy waited all these months to sue you because filing a lawsuit is a very big deal and involves all kinds of steps and possibilities. First, Slippery Guy had to go and find him a lawyer. According to the papers you brought to us, he hired the *senior partner* of a law firm whose name is Robert T. Racket. It looks like Attorney Racket has been busy.

The first thing the attorney had to do once he determined that a lawsuit should be filed was decide which court had ⊣ ***jurisdiction*** (*power to hear a certain type of case*). Remember that I told you it depends on the circumstances surrounding the case, that determines what court you file suit in.

Once he determined which court had the power to hear the case, he had to decide which location. Did you know that in one state several courts can have the same *jurisdiction* but the person filing the lawsuit might have a choice of ⊣ ***venue or forum*** (*the place where the lawsuit is found - in other words the actual location of the courthouse*).

A suit for a wrong done to a person like Slippery is called a ⊣ ***civil action*** (*a legal proceeding where the person starting the proceeding is seeking money or some type of legal action against another*). It is started by filing what some people call ⊣ ***court papers*** (*paperwork used in a lawsuit also known as pleadings*). All of the court papers have a ⊣ ***caption*** (*information section usually at the top of the first page of a court document that identifies the court, the parties involved in the lawsuit, the name of the assigned judge, and the courtroom case number assigned to the case*).

All of the paperwork in a lawsuit is called pleadings. The first two pleadings that are needed to actually start the lawsuit are a ⊣ ***summons*** (*paperwork that notifies a person that they have been sued, identifies the court where the suit is filed, who is filing the lawsuit, the number of days the person has to respond, and identifies the attorney filing the suit*) and a ⊣ ***complaint*** (*paperwork that actually contains the information that the lawsuit is based upon*). In that *complaint* the person filing the lawsuit asks for money. The amount that they want is set forth in a section of the

complaint called the ***ad damnum clause*** (*section of a complaint that sets forth the amount of money or the minimum amount of money that the person filing the lawsuit wants*).

There is another section to those papers that is used sometimes. That section is called a ***verification*** (*which is the section of a pleading where the person signing agrees that everything in the paperwork is true to the best of his or her knowledge*).

Everyone in a lawsuit has a title. The ***plaintiff*** (*the person who starts the whole process by filing the lawsuit*) takes the first step. In this case Slippery Guy is the *plaintiff*. The person or company being sued is called the ***defendant*** (*the title of the person or parties being sued*).

Sometimes the *defendant* files a response when he/she learns about a lawsuit. This response is called an ***Answer or Reply*** (*a written response to the lawsuit*). Once Jams 'R Us files its *Answer or Reply* with the court, Slippery Guy's *lawyer* or Gonna Sue You can start a process called ***discovery*** (*process and period of time during which parties use various court-approved methods to obtain information from the other party*). There are many forms to this *discovery* process. One form is called a ***deposition*** (*method of discovery that involves a time of face-to-face answering of questions by the person that the attorney is trying to obtain information from. That information is recorded by a court reporter/stenographer and then typed and distributed to the attorneys*). Sometimes one of the attorneys may issue what is called a ***subpoena*** (*a court order requiring a person to appear and testify in a legal matter).*

If Slippery Guy asked for a jury in the case, the lawyers would then have to get together and question the jurors in advance to make sure they were the right persons. They would have to engage in what is called ***voir dire*** (*the legal name for the process of questioning and selecting jurors for a court case. The process is designed to make sure Slippery gets a fair and impartial jury of his peers, people like him*).

Jams 'R Us Information Sheet #9

Get The Money Records is trying to pull back the latest album put on the market by gospel artist Yo Yo Adams. It has been selling like wildfire, and we can't keep enough in the store. It turns out that she wanted to give away 1,000 CD's to 100 youth in 10 cities. The record company got upset because they would lose royalties on those 1,000 CD's. We are one of the only distributors of her records in this area and would you believe that Get The Money Records sued us to make us stop selling her records.

When I first saw the *pleadings*, I was pretty confident because I remembered everything you told me before. There was one big difference though. Get The Money Records did not want money. They wanted action. They wanted us to stop selling her CD's. I'm telling you that it is a great CD, and we are making a lot of money on it.

What is that supposed to be? A lawsuit where nobody wants money?

Suem & Wynn Solution Sheet #9

Sometimes depending on what is going on, money won't do. Sometimes people want action instead of money. That's what her record company wants. This type of action is called an ***injunction*** (*a legal proceeding to stop a particular action from continuing to occur*).

Jams 'R Us Information Sheet #10

A group of future lawyers from the law school on the other side of town came in and ordered a large quantity of CD's. They wanted us to order them and then ship them to the school. We decided to have them delivered to our place and then take them over to the law school. I thought it would be a great opportunity to read up on the law so we wouldn't have to call you so often.

We were in for a shock after we made our delivery and headed for the law school library. When we asked where the books were that told us about the law, the person at the desk just kind of laughed. She said, "they're all over the place."

I walked around that place for a while and realized I needed some help to understand what in the world I was looking at.

Could you arrange a time to take us over there and explain what is available.

Suem & Wynn Solution Sheet #10

We think we'll get several of our clients together and take them on a tour of the law library. It'll be fun, but first you need some information that will help you understand what you will be seeing.

Remember **THE MAKERS** I told you about. That was the *legislative* branch of government. When **THE MAKERS** make a law, it gets published in a set of books and is then known as ***statutory law*** (*another word for law is statute and sometimes they are used together like this*).

When judges of certain courts interpret the law, that law sometimes gets published in special legal books and becomes known as ***case law*** *(the written decision of a particular court)*. There are other books in the law library that are like encyclopedias. These are called ***digests*** (*books published that contain summaries of the law written in the words of the publishers. One set of these digests could contain several topics of law*).

There are other sets of books that contain explanations of the law followed by an ***annotation*** (*a brief summary of a court's decision about an area of law, written in the words of the publisher of the summary*).

You'd be surprised how fast the law changes. That's why it's hard to get a lawyer to come right out and tell you what the law is. The reason is that even while you are talking to that lawyer, the law might have changed that day based on how one of **THE INTERPRETERS** read and applied a certain law that day at the courthouse. As a result, publishers of law books cannot keep up. They issue ***advance sheets*** (*updates on the law in paperback volumes that are issued quickly until the updates can be placed in hardback volumes*).

You also might have noticed something called a ***pocket part*** (a paper insert often found inside the back cover of many of the law books).

Jams 'R Us Information Sheet #11

We hired a man last summer, Terry Braskill. Terry was always late for work. We had to fire him even though he had a wife and child. We found out later that Terry was getting high everyday before work. He was trying to get to work each day high on marijuana and he was also dabbling in crack. Guess what? Terry is dead.

His wife came by to purchase some music to help her and their son through the rough days ahead. Theresa Braskill came and just cried and cried. She said she knew Terry was in trouble but she was embarrassed to ask for him, and he was too messed up to ask for himself. She asked if we could help her get Terry's affairs in order after the funeral.

I gave her one of my favorite gospel music CD's and encouraged her to listen. I'm supposed to go by her house next week. What should I expect? Can I really help her or does she need a lawyer? By the way, she just found out that Terry had another child, a little girl, who is 2 years old. Their son is 6. She was really out of it. She was mad and hurt all at the same time. I tried to comfort her the best I could.

Suem & Wynn Solution Sheet #11

The first thing we need to find out is whether Terry took care of his personal affairs before he died. Did he have a ⊣ ***Last Will and Testament/Will*** (*legal document properly signed and witnessed that sets forth the wishes of a deceased person concerning how he/she wants the property he/she owned in his/her name only distributed and how he/she wants his/her personal affairs handled*).

There might be some questions about the daughter. Was he really the father? Did he ever sign any ⊣ ***paternity*** (*legal documents acknowledging that an individual is the father of a minor*) papers concerning the little girl. That has to be worked out.

There will have to be a final decision made on who can inherit from him. The court will have to determine who his ⊣ ***descendants*** (*persons legally entitled to inherit the deceased person's property*) really are.

His wife needs to see if he ever had any life insurance. She needs to see who the ⊣ ***beneficiary*** (*person named on the life insurance to collect the insurance money when the party who owns the insurance policy dies*) is.

Finally, someone will have to be in charge of everything. That person is sometimes called the personal representative but in some places they call that person the ⊣ ***administrator or executrix*** (*person designated to oversee the distribution of the property of the deceased person to the persons named in his/her will and who is responsible for insuring all matters relating to the deceased person are taken care of*).

Jams 'R Us Information Sheet #12

There are some exciting things going on with Jams 'R Us. We are about to celebrate our 3rd anniversary for being in business. We are thinking about doing something very daring. We are thinking about buying a second building and putting a Jams 'R Us on the other side of town.

The building is so nice. It has a special room we can turn into a listening room. It has all kinds of wiring so we can hook up some of these new electronic top 10 chart songs that you can listen to. It's in a great neighborhood. The price is only $175,000. The owner is willing to sell it to us. All we need to do is figure out what to do next.

We made enough money last year to have $25,000 to put down on the building. Help, I'm about to go sign the papers, but I thought I should contact you first. The building is owned by Isaac Thomas. He's moving all his property to Toronto, so he wants to get rid of this building. If he gets traded to another team and decides not to sell to me, will I still be protected?

Suem & Wynn Solution Sheet #12

When you buy real estate, you are about to make one of the largest purchases you will ever make in your lifetime. Please slow down and let us help you. Let's first establish who is who in this deal. The ⊣ ***seller*** (*the one who has property to pass on to another person in exchange for money*) is Thomas.

You are the ⊣ ***buyer*** (*the one who wants to obtain the property from the owner for a certain amount of money*). You need to decide whether you want to buy the real estate in your name or in the name of Jams 'R Us. It's up to you.

If you really want this property, I need to prepare a ⊣ ***purchase agreement*** (*a written contract signed by the two parties setting forth all of the terms and conditions related to the sale of this property*) for you. I also need the exact address of the property so I can get the ⊣ ***legal description*** (*the description assigned to a parcel of land by the county in which the land is situated. We normally describe our houses by the address but the county has a different method*).

You mentioned a lot of stuff that is being included with the building. We have to make sure. When you buy a building, the things in it are not all automatically included. The ⊣ ***personal property*** (*items not automatically included with the sale of real estate*) needs to be listed on the *purchase agreement.* You will need to go back through the building and list everything that you want that is not automatically a part of the real estate.

You are going to need a lot of money so you need to go to a ⊣ ***mortgage company*** (*a company that lends money for the purchase of real estate and in exchange makes sure that they have an interest in that real estate in the event the person who borrows the money does not pay them back*). They will tell you their ⊣ ***interest rate*** (*how much they charge you to loan you money, in other words what they charge you to use their money*).

We will also need to make sure that Isaac Thomas really owns the property free and clear. We have to make sure that there are no ⊣ ***liens*** (*claims of*

others on the property that could interfere with his right to sell it to me free and clear) on the property.

The next thing we have to do after you are sure you can borrow the money and the property passes inspection by your building expert, is to make sure that Isaac Thomas can issue you the best type of deed you can get, a ***warranty deed*** (*a deed that insures that the person signing it really owns the property and is giving you a warranty that they own it and can legally transfer that real estate to you*).

If Isaac was to change his mind for no reason that is not your fault that he did not want to sell you the property, you could file a lawsuit against him for ***specific performance*** (*a special type of legal proceeding involving real estate where a person is compelled by a court to go through with an intended sale of real estate*).

You have been talking about putting the building in your name and the name of your friend who you are thinking about making an owner. Let's discuss that.

There are different ways for two or more persons to own property. ***Tenants by the entirety*** (*ownership of property by a husband and a wife*) is one method.

If the two people are unrelated, they have a choice of how they set up their ownership of real estate. They can set it up as a ***joint tenancy*** (*meaning when one of them dies, the property automatically goes to the one who survives*).

Another method is to set it up as a ***tenancy in common*** (*meaning when one of them dies his/her share of the property goes to the heirs and the heirs then own it with the one who remains alive*).

It's really up to you. We can talk about the best way for you to handle this in some of our future meetings.

Memorandum

TO: _____
(Print your name here)

FROM: Attorney Darcelle D. White

RE: Progress Report

DATE: December 1, 1996

Would you please write to me and let me know what helped you learn with these materials and what made it a little more difficult for you to learn?

Do you have any suggestions for operations at Jams 'R Us? Don't hesitate to write the author.

I'd like to hear from you. If you improved in your understanding of the legal concepts or if you participated in the BPA competition, let me know how things worked out.

Darcelle D. White, JD
c/o Post Office Box 46995
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or
Fax your comments to 810-463-5310

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